

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KELLY L. FRISBY,)	
)	CASE NO. 1:09-cv-02027
Plaintiff,)	
)	JUDGE JAMES S. GWIN
v.)	
)	MAGISTRATE JUDGE GREG WHITE
KEITH D. WEINER & ASSOCIATES)	
COMPANY, L.P.A., <i>et al.</i> ,)	
)	<u>REPORT AND RECOMMENDATION</u>
Defendants.)	

On September 27, 2010, this matter was referred pursuant to Local Rule 72.1 for a Report and Recommendation concerning Plaintiff Kelly L. Frisby's (hereinafter "Plaintiff") Motion for Attorney Fees. (Doc. Nos. 76 & 85.) Defendants Keith D. Weiner & Associates Co., L.P.A., Keith D. Weiner, and Kathi Van Horn (hereinafter "Defendants") opposed the amount of fees requested by Plaintiff, claiming they were excessive. (Doc. No. 84.) On January 12, 2011, the Court held a telephone conference with counsel to address Plaintiff's motion. On January 24, 2011, the parties filed a "Joint Proposed Stipulation on the Resolution of Attorneys Fees" wherein they indicate that "a resolution has been reached regarding the remaining outstanding attorneys' fees issue." (Doc. No. 88.) Therefore, it is recommended that Plaintiff's Motion for Attorney Fees (Doc. No. 76) be DENIED AS MOOT.

/s/ Greg White
U.S. Magistrate Judge

Date: January 24, 2011

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).